

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

KRIS K. BENNETT,

Plaintiff,

v.

WYATT HULL,

Defendant.

CASE NO. 3:21-cv-05858-JHC-BAT

**ORDER**

Having reviewed the Report and Recommendation of the United States Magistrate Judge (Dkt. # 31), all objections (Dkt. # 32), and the remaining record, the Court now ORDERS:

(1) The Court ADOPTS the Report and Recommendation with one modification.

(2) Defendant's Motion for Summary Judgment, Dkt. 27, is GRANTED as to Counts II and II. Those Counts are DISMISSED with prejudice.

(3) Count I is DISMISSED without prejudice because Plaintiff was apparently released from prison and his mail was returned (*see* Dkt. # 33), and he has failed to update his address within 60 days as required by LR 41(b)(2) ("If mail directed to a pro se plaintiff by the clerk is returned by the Postal Service . . . and if such plaintiff fails to notify the court and

1 opposing parties within 60 days thereafter of his or current mailing . . . address, the court may  
2 dismiss the action without prejudice for failure to prosecute.”).

3 (4) The Clerk shall provide copies of this Order to the parties.

4 Dated this 9th day of December, 2022.

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7 JOHN H. CHUN  
United States District Judge